

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Division

Case No.

19 CV 1389

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ NoAkeel Abdul Jamiel

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Maison Kayser@USA.com

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Akeel Abdul Jamiel
544 Academy Street Apt# 41A
New York, NY, 10034
County of New York.
917-790-9397
Akeel Abdul 184@Gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Abel viverds
 Job or Title (if known) Head baker at maison Kayser.
 Street Address 1535 Third AVE
 City and County New York, county of New York.
 State and Zip Code New York, 10028
 Telephone Number (718) 413-0037
 E-mail Address (if known) unknown

Defendant No. 2

Name Gabby or Gabriela de la Vega
 Job or Title (if known) General Manager @ maison Kayser
 Street Address 1535 Third AVE
 City and County New York, County of New York
 State and Zip Code New York, 10028
 Telephone Number 212-348-8400
 E-mail Address (if known) unknown

Defendant No. 3

Name Julian Ramirez
 Job or Title (if known) Su chef @ maison Kayser
 Street Address 1535 Third AVE
 City and County New York, County of New York.
 State and Zip Code New York, 10028
 Telephone Number 212-348-8400
 E-mail Address (if known) unknown

Defendant No. 4

Name Ana Ledesma
 Job or Title (if known) H.R
 Street Address 373 Park Ave South
 City and County New York, county of New York
 State and Zip Code New York, 10016
 Telephone Number unknown
 E-mail Address (if known) unknown

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Fourteenth Amendment

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Akeel Abdul Jamiel, is a citizen of the State of (name) New York.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) ~~Maison Kayser~~, is a citizen of the State of (name) ~~New York~~. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) Maison Kayser, is incorporated under the laws of the State of (name) New York, and has its principal place of business in the State of (name) New York.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) New York.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

50,000,000.00 Dollars.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attach paperwork typed 2 pages. (statement of claim)

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Statement Of Claim

On May 27th 2018 I were hired at Maison Kayser as a baker, at the 1535 Third ave location in New York, NY. Assigned to a head baker by the name of Abel Viveros. Through out the first

Week I were asked by Mr. Viveros if I am a Puerto Rican or from a Spanish descent, I replied no to Mr. Viveros question. He joked and said that I am a liar in a jokingly manner. As time passed on and I continued working with Mr. Viveros, he started to see that I am not Spanish, him and his colleagues which are mostly Mexicans and Spanish. They began to mistreat me and refer to me as a zappato! In Spanish which means a shoe. A very disrespectful form toward a none Hispanic

individual. The disrespect and the racial comments were mostly coming from Mr. Viveros Ms. Gabby (which is the General manager at the above mentioned location.) Mr. Julian Ramirez also a Mexican and the su chef at the above mentioned location. The racial comments and the disrespect continued from the above individuals and the rest of the Spanish workers that I don't know their names as well as the kitchen staff. They began to call me another disrespectful name in Spanish and extremely racist. They called me Pero a disrespectful form used toward a non Hispanic person. Time passed on and the comments continued. I started to get aggravated because of their racist comments. So I started to defend my self by talking back to them and complaining to General managers one of the managers by the name Alicia. And the General manager in charge by the name of Yan. And I were told to ignore them and just continue working. I didn't mind the racism and I tried to continue my job. Mr. Viveros tortured me daily by indirect and direct racist statements. As well as getting his friends to call me names to cause discomfort and mental verbal abuse. Soon after my complaint to the supervisors followed a nasty retaliation from Mr. Viveros and the above mentioned individuals By throwing away the cooked meals for lunch for workers so that I will not eat. Just a little before my break time. As well as calling me a snitch. All because I complained. I didn't mind all that and continued to be

A motivated ambitious worker who loved his job. The racist comments continued and Mr. Yann tried to solve it but that didn't work.

As months passed on, Mr. Viveros got some rumors about me from the streets, that I supposed to be gay. Which I am not. Mr. Abel Viveros started to refer to me as the Maricon which means a faggot in Spanish. Also Pavo which means turkey, also means gay in spanish. And other nasty anti gay comments. Again he had his friends call me el maricon when ever they're referring to me. One of his close friends that he had hired to work with us. By the name of Felix used to sexually harass me to my face in front of Mr. Viveros. And Mr. Viveros used to laugh like its funny and an amusement for him. Mr. Abel Viveros tried to get rid of me but couldn't because I didn't give him a reason. He also made me scrub ovens on my hands and knees as he laughed with Ms. Gabby. I even caught one of the Spanish servers sneaked took a picture of me with her phone of me scrubbing and cleaning because its funny to them. And she probably posted it on facebook. They continued with the gay slurs and it got worse. I complained once more and I were told that I complain too much.

So on February 2nd 2019 at 7:31 am after an early morning gay remark I decided to put it on paper and send an email to HR. At the following address: HR@maisonkayserusa.com and info@maisonkayserusa.com. Thanks to a supervisor By the name of Eliza who just recently got fired by GM manager ms. Gabby. Mr. Eliza is the only supervisor that stood for me and tried to tell Spanish workers to stop harassing me. He witnessed the sexual harassments. And he's willing to testify on my behalf If I call him as a witness. He gave me the above addresses to email a complaint and I sent a brief report explaining the incident that happened that morning

In regards to the individuals and what being said. The staff that received the email were Ana Ledezma also happened to be a friend of Abel Viveros. I guess she notified Mr. Viveros and Mr. Viveros contacted Yann. The following day the 3rd of February I guess mr. Viveros had a meeting with Yann and Ana Ledezma also a Spanish woman. That they have decided to fire me.

The phone rang of Mr. Bertin Boston who currently the ^{Head} ~~lead~~ baker that I am assigned to and we work together. He answered his phone and said in an Angry voice. (Akeel is My employee and you have no right over him. You can not fire him). It was Mr. Viveros on the other line convinced Mr. Yann to fire me so he's calling Mr. Bertin Boston to tell him that he's firing me. But that didn't work because Mr. Bertin values my work and didn't tolerate the nonsense coming from Mr. Viveros. Mr. Bertin looked at me and said don't worry and continued his phone conversation.

That was about me. Mr. Boston indeed saved my job so I can continue to have a roof over my head. And put food on my table by working an honest job and paying taxes. I thank god and Mr. Boston that I still have a job. That day ended and I didn't hear any more commotions. A week passed by and no action had been taken against the mentioned individuals in my lawsuit.

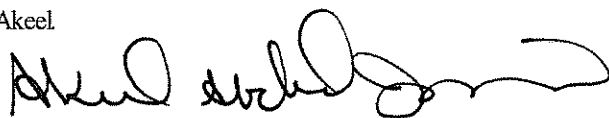
And none of them got penalized for their actions. For my knowledge that Mr. Viveros are an illegal Mexican who crossed the United States border illegally. And so are the rest of the Mexican workers who possesses fake documents. Which I had reported to immigration on line and in person. Maison Kayser did not penalize them because of their cheap work. Even Mr. Viveros who are indeed illegal and had paid a Dominican America woman 5000.00 dollars to Mary him so he can obtain his legal paper work. He still makes payments to the woman and currently lives with her in the Bronx. He is an illegal Mexican committing fraud. He has no constitutional rights, nor the rights to be racist and a homophobic who hates homo sexuals and non Hispanic human beings. He's committing a hate crime. As the hate crime bill act was passed by congress and made into law by the passed United States President Mr. George W Bush. I'm suing Maison Kayser as a Corporation for being at a complete negligence, and allowing such hate crimes to go on in the work environments. And not taking any actions toward the violators. I'm suing Mr. Abel Viveros for racism and defamation of character. As he used to advertise my made up sexual orientation by him to every new baker that does his or her trial at our location. He had completely humiliated me. I would like the federal court to investigate the above illegal aliens and the list that I am going to attach with my claim as exhibits along with evidence email report , and text messages conversations with my current supervisor. Mr. Bertin Boston. By submitting the above information I now fear that my company are going to fire me.

I pray and hope that the United States Court gets me Justice from the torture and mental abuse that I went through for almost a year persistently. I have suffered mentally and was oppressed and belittled and mistreated as a human being by my co-workers at Maison Kayser.

Thank Your Kindly

Sincerely

Akeel



Am seeking the amount of 50,000,000.²⁰ million dollars
for my mental suffering and humiliation.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

2/12/19

Signature of Plaintiff

Akeel Abdul Samiel

Printed Name of Plaintiff

Akeel Abdul Samiel

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Mail body: Fwd: Anti gay slurs

Sent from my iPad

Begin forwarded message:

Exhibit

"A"

proof of complaint

From: Akeel Abdul <akeelabdul184@gmail.com>

Date: February 2, 2019 at 7:31:20 AM EST

To: HR@MAISONKAYSERUSA.COM

Subject: Anti gay slurs

To whom it may concern

My name is Akeel Abdul Jamiel and I am a baker at Maison Kayser at 1535 Third Ave.

I'm writing you in regards to anti gay slurs from my coworkers at my job. I have been referred to as a maricon in Spanish which means a faggot by my coworkers and harassed a few times. Just this morning the following individuals said the maricon here early today and they are.

Marianela- runner: Yobanny-cook and Rodeilyn said the other day that I'm a maricon and I suck dick. Yesterday I were harassed by my other coworker Felix. Gabriela as well I have heard her say anti gay remarks toward me. I pray and hope someone shine a light upon this situation that has been going on for years. Also my ex supervisor Abel viveros used to tell every new baker here that I am a homo. I kept ignoring them till the point where I can't no more. I don't bother any body nor harass no one. I complained a few times and it went no where so now I am contacting you.

Thank you for your time is this matter.

Sincerely

Akeel

917-790-9397

Sent from my iPhone

Mon, Jan 28, 2:44 PM

EXHIBIT
B
Conversation
with my
Supervisor.
Mr. Bertin Boston
917-216-5594

Bertin the other day these
Spanish people here telling
other people here that I'm a
snitch

They said I snitched on Felix
when he came late the other
day

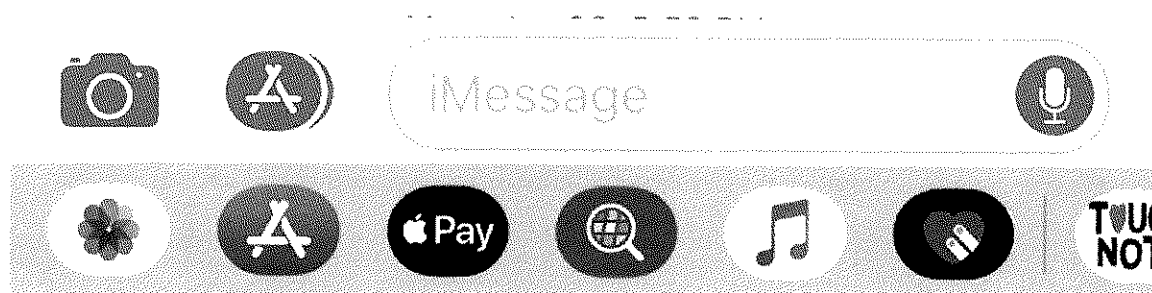
They used to call me gay and
now they call me a snitch

Gabby and the other fat
bastard that work in the
kitchen as a cook

And so are all the other
Spanish here

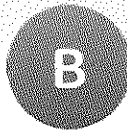
Proof of conversation of
harassment.

Do your job and don't care



Boost LTE

5:42 PM



Bertin >

Bertin i didn't do anything I was working doing my job with Esallah Felix started making fun of me calling me el Pavo it means Turkey and turkey means gay. He said I was crying complaining and Julian and the other Spanish guy laughing. Of course they going to defend Felix. They retaliating because I sent the email

I complained to you because you are my boss. Julian been trying to get rid of me

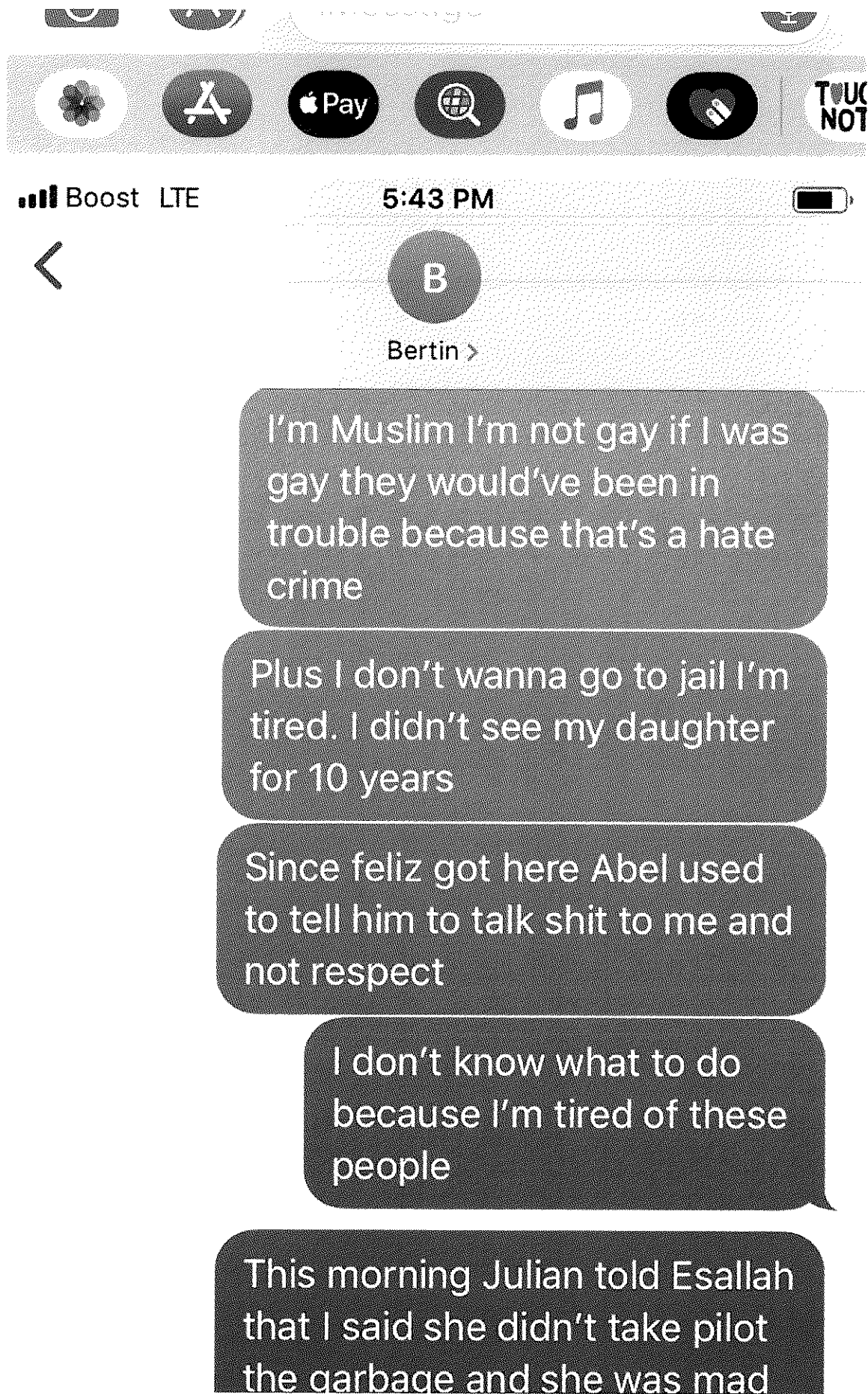
I don't wanna lose my job and didn't bother anybody

These Spanish people are racist



iMessage





at me this morning

Then she apologized because
she saw that it was a lie

Julian is pure evil

And so is Felix

Read Friday



Sent from my iPad



Brexit

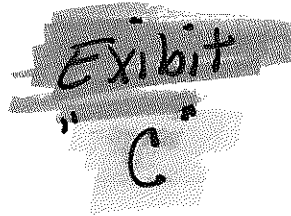
Sustainability

Imprisoned In Myanmar

Future of Cars

Venezuela

World At Work



POLITICS

APRIL 29, 2009 / 5:53 PM / 10 YEARS AGO

U.S. House passes "hate crime" bill that Bush opposed

Thomas Ferraro



WASHINGTON (Reuters) - The Democratic-led U.S. House of Representatives Wednesday approved an expansion of federal "hate crime" laws — an effort that former Republican President George W. Bush had opposed.

The U.S. Capitol building is seen on Capitol Hill in Washington, February 24, 2009. REUTERS/Jim Young

On a vote of 249-175, the House passed and sent to the Senate a bill backed by the new Democratic White House to broaden such laws by classifying as "hate crimes" those attacks based on a victim's sexual orientation, gender identity or mental or physical disability.

The current law, enacted four decades ago, limits federal jurisdiction over hate crimes to assaults based on race, color, religion or national origin.

The bill would lift a requirement that a victim had to be attacked while engaged in a federally protected activity, like attending school, for it to be a federal hate crime.

SPONSORED

House Democratic Leader Steny Hoyer urged passage of the Federal Local Law Enforcement Hate Crimes Prevention Act of 2009.

"Hate crimes motivated by race, religion, national origin, gender, sexual orientation, and identity or disability not only injure individual victims, but also terrorize entire segments of our population and tear at our nation's social fabric," Hoyer said.

Bush had helped stop such a bill in the last Congress, arguing existing state and federal laws were adequate. But President Barack Obama asked Congress to send it to him to sign into law.

“I urge members on both sides of the aisle to act on this important civil rights issue by passing this legislation to protect all of our citizens from violent acts of intolerance,” Obama said in a statement before the vote.

Conviction of a hate crime carries stepped up punishment, above and beyond that meted out for the attack. The bill would allow the federal government to help state and local authorities investigate hate crimes.

Representative Lamar Smith, ranking Republican on the House Judiciary Committee, helped lead the charge against the bill, arguing it was misdirected and discriminatory.

“All violent crimes must be vigorously prosecuted,” Smith said. “Unfortunately, this bill undermines one of the most basic principles of our criminal justice system — ‘equal justice for all.’”

“Justice will now depend on the race, gender, sexual orientation, disability or other protected status of the victim,” Smith said. “It will allow different penalties to be imposed for the same crime.”

Earlier this year, Congress passed two other major bills derailed during the Bush administration.

California to pull troops from U.S.-Mexico border

One, vetoed by Bush, would have expanded a federal health insurance program for children. The other, blocked by Bush's fellow Republicans in the Senate, would have reversed a U.S. Supreme Court ruling to make it easier to sue for discrimination in the workplace.

With Democrats having won the White House and expanded their control of Congress in the 2008 election, both measures were among the party's top 2009 legislative priorities. And they became among the first bills Obama signed into law.

Editing by Eric Beech

Our Standards: The Thomson Reuters Trust Principles.

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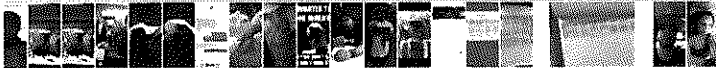
Edit

Exhibit

This list contains the names of employees at
Maison Kayser @ 1535 Third Ave, NY, NY
THE employees mostly Spanish. and possibly
illegal. 4 of I know for sure.

Date Range: 2/4/2019 - 2/11/2019
Location: 1535 3rd Avenue

Employee	Mon 4	Tue 5	Wed 6	Thurs 7	Fri 8	Sat 9	
Yobanny Santana	8:30a-4:30p	8:00a-4:00p	8:30a-4:30p	8:30a-4:30p	8:00a-3:00p	7:00a-3:00p	7:00a-
Royes			6:00a-2:00p	6:00a-2:00p	1:30p-9:30p	1:30p-9:30p	11:00a-
Dominguez Isidro	6:30a-1:30p	6:30a-1:30p	1:30p-9:30p	1:30p-9:30p	1:30p-9:30p	11:00a-8:00p	1:30p-
Zola Tenesaca		4:00p-9:30p			5:45a-1:45p	5:45a-1:45p	5:00a-
Adriana Palacios	1:30p-9:30p				6:00a-2:00p	6:00a-2:00p	6:00a-
Bella Acosta		6:00a-2:00p					
Luis Javier Pájaro	6:00a-2:00p						
Geovo							



Amalson Kayser USA

Schedule Report

Date Range: 2/11/2019 - 2/18/2019

Location: 1535 3rd Avenue

Employee	Bread Production				
	Mon 11	Tue 12	Wed 13	Thu 14	Fri 15
Amath Niang	2:00a-10:30a	2:00a-10:30a	2:00a-10:30a	2:00a-10:30a	
Abel Viveros					
Bertin Boston	6:00a-3:00p			6:00a-3:00p	2:00a-11:30a
Julian Ramirez	921 Broadway B.P.	6:00a-2:00p	6:00a-2:00p		6:00a-2:00p
Raul Guzman			6:00a-2:30p	6:00a-2:30p	6:00a-2:30p
Akeel Jamiel			8:00a-4:30p	8:00a-4:30p	8:00a-4:30p
Felix Martinez Franco	9:00a-5:30p	9:00a-5:30p			9:00a-5:30p
Mekhrangiz Kurbanova	8:00a-4:30p	8:00a-4:30p	9:00a-5:30p	9:00a-5:30p	8:00a-4:30p

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4:00 PM

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12:11 PM

Edit

Man Kayser USA **Schedule Report** **Dayforce**

Date Range: 2/4/2019 - 2/11/2019
Location: 1535 3rd Avenue
Run Date: 2/6/2019

Employee	Mon 4	Tue 5	Wed 6	Thu 7	Fri 8	Sat 9	Sun 10
Tenzin Choegyen	Off	Off	8:00a-3:00p		3:30p-9:30p	11:00a-6:00p	11:00a-6:00p
Hugo Ramirez		6:30a-2:00p		8:00a-3:00p	6:30a-2:00p	6:30a-2:00p	Off
Lena Diouf			8:00a-6:00p	8:00a-5:00p	8:00a-2:00p	8:00a-2:00p	8:00a-2:00p
Mohammed Haque	2:30p-9:30p	2:30p-9:30p			6:00a-2:00p	10:00a-4:00p	10:00a-4:00p
Martha Quayle	3:30p-9:30p					9:00a-4:00p	9:00a-4:00p
Maximilian Weinbach	Off	Off	Off	3:30p-9:30p	Off	3:30p-9:30p	3:30p-9:30p
Elana Flores	9:00a-4:00p				8:00a-3:00p	8:00a-3:00p	8:00a-3:00p
Marianela Reinoso	7:00a-3:00p	7:00a-3:00p	Off	7:00a-3:00p	7:00a-3:00p	7:00a-3:00p	
Alberto Leon		9:00a-4:00p	6:30a-2:00p	6:30a-2:00p	8:00a-4:00p		
Anthony Gonzalez	6:30a-2:30p	6:30a-2:30p	7:00a-3:00p			6:30a-2:30p	7:00a-3:00p
Natacha Afandagnon	8:00a-3:00p	8:00a-3:00p				8:30a-4:30p	8:30a-4:30p
Daniel Gervais			6:30a-2:30p	6:30a-2:30p		Off	6:30a-2:30p
Adji Drop					2:00p-8:00p	8:00a-2:00p	8:00a-2:00p
Jose Zhumi			9:00a-4:00p	9:00a-4:00p	11:00a-6:00p		
Backa Niang			2:30p-9:30p	2:30p-9:30p	2:30p-9:30p	2:30p-9:30p	2:30p-9:30p
Jessica Balde	8:00a-6:00p	8:00a-6:00p				2:00p-8:00p	
Luis Oviedo	9:30a-2:00p	1:30p-8:30p	3:30p-9:30p				

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Boost LTE

5:42 PM



Bertin >

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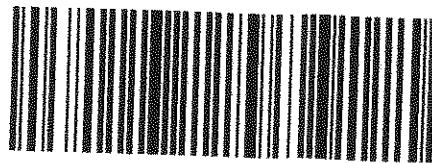
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FROM: Akeel Abdul Jamiel
544 Academy street Apt# 41A
New York, NY 10034

TO: Clerk

united states District court
Southern District of New York
THE DANIEL Patrick Moynihan
U.S court house - 500 Pearl street PROSE Section
New York, NY, 10007-1312

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